

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice FLP-84

1955-A, 1955-B, 1955-C

For: State and County Offices

Notification Procedure in Conjunction With the Class Action Consent Decree

Approved by: Acting Deputy Administrator, Farm Loan Programs



1 Overview

A

Background

The adjudicator for the Consent Decree regarding the Timothy C. Pigford (Civil Action No. 97-1978) and Cecil Brewington (Civil Action No. 97-1978) class action has begun rendering decisions. The adjudicator was appointed by the court and will notify the claimants by letter of their decisions regarding the individual claims. When the decision letter is received by the claimant, it may prompt numerous questions from the individual, the attorney, media, and possibly the general public. The decree establishes a procedure to handle claims and places restrictions on the Agency.

B

Purpose

This notice is a reissuance of Notice FLP-26, which expired October 1, 1999. Since the media has released information about the settlement for the Black Farmers, State and County Offices have received many calls from borrowers and the media.

This notice provides guidance to:

- State and County Offices to ensure that everyone is providing the same information to borrowers and the media
- State Offices on loan processing and loan servicing issues.

Continued on the next page

Disposal Date

October 1, 2000

Distribution

State Offices; State Offices relay to County Offices

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1 Overview (Continued)

C

Referral of Calls Refer all calls according to the following table.

IF calls are from...	THEN refer caller to...
the media	Andy Solomon Deputy Press Secretary 202-720-4623
farmers	<ul style="list-style-type: none">Alexander J. Pires, Jr. Conlon, Frantz, Phelan, Pires, and Leavy, LLP 1818 N St., NW Suite 700 Washington, DC 20036 202-331-7050their own attorney.

D

Contact State Offices shall contact FLP for information according to the following table.

Subject	FLP Contact	Telephone/FAX Nos.
loan servicing issues	LSPMD	202-720-4572 - Telephone 202-720-5804 - FAX
loan making issues	LMD	202-720-1632 - Telephone 202-720-1117 - FAX
consent decree questions on claims that prevailed	Mary Durkin	202-720-3752 - Telephone 202-720-9756 - FAX
consent decree questions on claims that did not prevail	Dee Cole	202-720-6748 - Telephone 202-720-9756 - FAX

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2 Action

A

State Office Action

SED's shall ensure that they receive National Office approval on a case-by-case basis before:

- advertising and again before selling inventory property previously owned by a black farmer
- accelerating and again before foreclosing any black farmer.

The request shall include the name and address of the previous owner if inventory property is involved or the name and address of the borrower if acceleration or foreclosure is involved, so that a contact can be made with the USDA Office of the General Counsel, Civil Rights Division to see if the previous owner or present borrower is a member of the class action.

B

County Office Action

Farm Loan Managers and CED's shall ensure that each employee fully understands the process in this notice.

C

Additional Guidance

FSA will continue to provide information on implementation requirements as guidance is received from OGC. Nothing contained in this notice allows the commencement of acceleration or foreclosure against any borrower without performing the civil rights review of the file as required by Notice FLP-70. Any acceleration or foreclosure may not continue if a borrower has a present, outstanding civil rights complaint filed with the Department. If the borrower has filed a civil action, the Farm Loan Manager must follow the instructions of the Department of Justice on whether to proceed with the acceleration or foreclosure.
